

**IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
ORIGINAL JURISDICTION**

Dated: Nainital : the 22nd day of November, 2005

Bail application no. 1098 of 2005

Order on the bail application of accused

CRIMINAL SIDE

1. Atar Singh S/o Sri Karan Singh
R/o Jatava P.S. Jhingiyana
District Muzafarnagar
 2. Kalu Ram S/o Gulab Singh
R/o Khanpur Kala P.S. Jhingiyana
District Muzafarnagar
- ... Applicant

Versus

State of Uttaranchal

... Opposite Party

Arising out of Case Crime No. 1118 of 2005
Under Sections 395, 397 and 412 of I.P.C. and
2/3 Gangster and Anti social Activities (Prevention) Act
Police Station Rudrapur
District Udham Singh Nagar

By the court

Hon'ble B.C. Kandpal, J.

The applicant has applied for bail in case crime No. 1118 of 2005, Under Sections 395, 397 and 412 of I.P.C. and 2/3 Gangster and Anti Social Activities (Prevention) Act, Police Station Rudrapur District Udham Singh Nagar.

Heard Ajay Singh Bisht, learned counsel for the applicants, learned A.G.A. and perused the record.

It is alleged by the prosecution that some golden ornaments have been recovered from the possession of the applicants after 8 days of the incident. The alleged recovery alone will not connect the applicants with the actual commission of crime of dacoity. The learned A.G.A. has submitted that at the time of recovery of the valuable ornaments, the applicants were present and they were identified by the applicant but to my mind this type of identification would not be sufficient to warrant the conviction of the accused/applicants.

Learned A.G.A. could not produce any criminal history of the applicant before me.

Having considered the aforesaid facts and circumstances of the case, it would be just and proper to release the applicants on bail at this stage.

Let the applicants Atar Singh and Kalu Ram be released on bail on their executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of C.J.M. concerned.

(B.C. Kandpal, J.)

22.11.2005

ASWAL